

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION**

Gerald Rudell Williams, # 21405, )  
  )  
Plaintiff,                         )  
  ) Civil Action No.: 8:13-cv-02168-JMC  
v.                                    )  
  )  
Defendant.                         )  
  )  
\_\_\_\_\_  
Lt. Charles B. Padget, Saluda County )  
Sheriff's Officer,                     )  
  )  
  )

**ORDER**

This matter is before the court for review of the magistrate judge's Report and Recommendation ("Report"), [ECF No. 10], filed August 14, 2013, recommending that the above-captioned case be dismissed *without prejudice* and without service of process. Plaintiff brought this action seeking relief pursuant to Title 42 U.S.C. § 1983, alleging violations of the Fourth Amendment [ECF No. 1 at 3] for false imprisonment and false arrest. The Report sets forth in detail the relevant facts and legal standards on these matters which the court incorporates herein without a recitation.

The magistrate judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report [ECF No. 10-6]. Plaintiff timely filed objections to the Report on September 25, 2013. [ECF No. 15].

Objections to the Report must be specific. Failure to file specific written objections to

the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 151 (1985); *Wright v. Collins*, 766 F.2d 841, 846 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91, 93-94 (4th Cir. 1984). In the absence of specific objections to the magistrate judge's Report, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). In order to warrant *de novo* review, Plaintiff's objections must do more than merely restate his or her claims.

After a thorough review of the Report and Recommendation and the record in this case, the court **ACCEPTS** the magistrate judge's Report and Recommendation. [ECF No. 10]. It is therefore **ORDERED** that Plaintiff's Complaint [ECF No. 1] is **DENIED** and this case is **DISMISSED** *without prejudice* and without service of process.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "J. Michelle Childs".

United States District Judge

November 1, 2013  
Greenville, South Carolina